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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Robert E. Fischell et al.

Serial No.: 09/609,163

Art Unit: 3731

Filed : June 30, 2000

Examiner: V. Bui

For : STENT WITH IMPROVED FLEXIBLE CONNECTING LINKS

I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, Washington, DC 20231 on

May 29, 2003
(Date of Deposit)

Paul A. Coletti

(Name of applicant, assignee, or Registered Representative)

(Signature)

May 29, 2003
(Date of Signature)

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Commissioner for Patents
Washington, D.C. 20231

TECHNOLOGY CENTER B3106

RESPONSE TO REQUEST FOR ORDER RETURNING
UNDOCKETED APPEAL TO EXAMINER

Dear Sir:

In response to Paper No. 21 (copy enclosed) Applicants respectfully request that the Appeal Brief (Paper No. 17), filed on September 25, 2002, be submitted for docketing.

The Three Hundred Twenty Dollar (\$320.00) fee required by 37 CFR 1.17(c) for filing the foregoing Appeal Brief may be charged to Deposit Account No. 10-0750/CRD-884/PAC in the name of Johnson & Johnson. Any additional fees which may be required in connection herewith may also be charged to Deposit Account No. 10-0750/CRD-884/PAC.

This Request is being submitted in triplicate.

Respectfully submitted,

Paul A. Coletti
Reg. No. 32,019
Attorney for Applicant(s)

Johnson & Johnson
One Johnson & Johnson Plaza
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DATE: May 29, 2003

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Paper No. 21
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

MAY 20 2003

PAT & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT E. FISCHHELL, DAVID R. FISCHHELL,
and DAVID C. MAJERCAK

Application No. 09/609,163

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TECHNOLOGY CENTER

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 25, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 30, 2002, appellants filed an Appeal Brief (Paper No. 17). A review of the file reveals that the required fee was not charged for the Appeal Brief. Before further review of this file, the Appeal Brief fee must be applied to the appellants' account.

Application No. 09/609,163

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry of the Appeal Brief fee; and 2) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Craig R. Feinberg
Program and Resource Administrator
(703) 308-9797

cc: Paul A. Coletti, Esq.
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CRF/tdl/mh
RA03-0328